

**NOTICE OF APPEAL
TO
U.S. COURT OF APPEALS, THIRD CIRCUIT**

U.S. District Court for the District of Delaware

FULL CAPTION IN DISTRICT COURT AS FOLLOWS:

HOWARD HESS DENTAL LABORATORIES
INCORPORATED and PHILIP GUTTIEREZ d/b/a
Dentures Plus, on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

DENTSPLY INTERNATIONAL, INC.,

Defendant

CIRCUIT COURT
DOCKET NUMBER: _____

DISTRICT COURT
DOCKET NUMBER: 99-255-SLR

DISTRICT COURT JUDGE:
SUE L. ROBINSON

Notice is hereby given that Howard Hess Dental Laboratories Incorporated, and Philip Gutierrez d/b/a Dentures Plus, plaintiffs in the above named case, hereby appeal to the United States Court of Appeals for the Third Circuit from the Final Judgment entered on February 13, 2008 (D.I. 290), the Memorandum Opinion and Order entered on September 26, 2007 (D.I. 271, 272), and the Memorandum Opinion and Order signed on January 8, 2008, and entered on January 9, 2008 (D.I. 285, 286).

Plaintiffs are filing this notice of appeal simultaneously with their filing another notice of appeal in the related case, Jersey Dental Laboratories f/k/a Howard Hess Dental Laboratories Incorporated, et al. v. Dentsply International, Inc., et al., Civ. No. 01-267. Plaintiffs previously appealed other orders in these two cases simultaneously, and, on that prior occasion, the two appeals were consolidated by the Third Circuit. See Third Circuit's Docket, Case Nos. 04-1979

and 04-1980. Both of the current appeals—the one in Hess, and the one in Jersey Dental—appeal from, among other things, different parts of the same Memorandum Opinion and Order, entered in both cases, on September 26, 2007. See Exhibits B and C, attached hereto.

A true and correct copy of the Final Judgment, entered on February 13, 2008 (D.I. 290), is attached hereto as Exhibit A.

True and correct copies of the Memorandum Opinion and Order entered on September 26, 2007 (D.I. 271, 272), are attached hereto as Exhibits B and C.

True and correct copies of the Memorandum Opinion and Order entered on January 9, 2008 (D.I. 285, 286), are attached hereto as Exhibits D and E.

Dated: February 29, 2008

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